

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB95)

Received: 04/27/2009

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Bill Kramer (608) 266-8580

By/Representing: Cameron

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters: pkahler

Subject: Employ Pub - collective bargain

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kramer@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

AB 95 with health care coverage for municipal employees

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			jfrantze 04/27/2009	_____	sbasford 04/27/2009	sbasford 04/27/2009	

FE Sent For:

<END>

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FE Sent For:

<END>

2009 ^A BILL - 95

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- 1 AN ACT *to renumber* 111.70 (4) (cm) 8s.; *to amend* 111.70 (1) (a); and *to create*
2 111.70 (4) (cm) 8s. b., 111.70 (4) (mc) 4., 111.70 (4) (n) and 601.41 (10) of the
3 statutes; **relating to:** collective bargaining over health care coverage for
4 municipal employees, allowing municipal employers to change health care
5 coverage plan providers, and requiring the exercise of rule-making authority.

INS rel.

Analysis by the Legislative Reference Bureau

Under the Municipal Employment Relations Act (MERA), all matters relating to wages, hours, and conditions of employment are subject to collective bargaining. This bill prohibits bargaining over the selection of a health care coverage plan if the employer offers to enroll its employees in a plan provided to local government employers by the Group Insurance Board or in a plan that is substantially similar to the plan offered by the Group Insurance Board. Under the bill, the Office of the Commissioner of Insurance must promulgate rules that set out standardized benefits under health care coverage plans and that may be used for determining whether any health care coverage plan is similar to the plan offered by the Group Insurance Board.

In addition, the bill provides that under MERA any employer may unilaterally change its employees' health care coverage plan provider if the benefits remain substantially the same and if either the actual providers of the health care are the same or cost savings will result from changing the health care coverage plan provider.

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 111.70 (1) (a) of the statutes is amended to read:

111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours, and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 61.66, except as provided in sub. (4) (m), (mc), and (n) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit, and the health, safety, and

BILL

1 welfare of the public to assure orderly operations and functions within its
2 jurisdiction, subject to those rights secured to municipal employees by the
3 constitutions of this state and of the United States and by this subchapter.

IN 4 **SECTION 2.** 111.70 (4) (cm) 8s. of the statutes is renumbered 111.70 (4) (cm) 8s.

5 a.

3-4 6 **SECTION 3.** 111.70 (4) (cm) 8s. b. of the statutes is created to read:

7 111.70 (4) (cm) 8s. b. If a school district unilaterally changes its employees'
8 health care coverage plan provider under par. (n), any costs savings realized because
9 of the change may not be included when determining the fringe benefit savings under
10 subd. 8s. a.

11 **SECTION 4.** 111.70 (4) (mc) 4. of the statutes is created to read:

12 111.70 (4) (mc) 4. The employer's selection of a health care coverage plan if the
13 municipal employer offers to enroll the employees in a health care coverage plan
14 under s. 40.51 (7) or in a health care coverage plan that is substantially similar to
15 a plan offered under s. 40.51 (7). The commission shall use the criteria in rules
16 promulgated by the commissioner of insurance under s. 601.41 (10) to determine if
17 health care coverage plans are substantially similar.

INS 18 **SECTION 5.** 111.70 (4) (n) of the statutes is created to read:

3-18 19 111.70 (4) (n) *Municipal employer-initiated change in health care coverage*
20 *plan provider.* Notwithstanding the terms of a collective bargaining agreement, a
21 municipal employer may unilaterally change its employees' health care coverage
22 plan provider without the consent of any affected employee in the collective
23 bargaining unit if the benefits provided by the new health care coverage plan
24 provider are substantially similar, as determined by the criteria in rules
25 promulgated by the commissioner of insurance under s. 601.41 (10), to those

BILL**SECTION 5**

1 provided by the former health care coverage plan provider and if either the persons
2 who provide health care coverage under the new plan are the same as under the
3 former plan or cost savings will result from changing the health care coverage plan
4 provider. Any such unilateral change in health care coverage plan provider is not a
5 violation of a collective bargaining agreement or a prohibited practice under sub. (3)
6 (a) and, for purposes of a qualified economic offer, satisfies the requirement to
7 maintain fringe benefits under sub. (1) (nc).

8 **SECTION 6.** 601.41 (10) of the statutes is created to read:

9 601.41 (10) SUBSTANTIALLY SIMILAR HEALTH CARE COVERAGE PLAN. The
10 commissioner shall promulgate rules that set out a standardized summary of
11 benefits provided under health care coverage plans, including plans offered under
12 s. 40.51 (7), for use in determining whether a health care coverage plan is
13 substantially similar to a plan offered under s. 40.51 (7).

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in insert
4-22

14 **SECTION 7. Initial applicability.**

15 (1) The treatment of section 111.70 (1) (a) and (4) (mc) 4. and (n) of the statutes
16 first applies to collective bargaining agreements entered into, extended, modified, or
17 renewed, whichever occurs first, on the effective date of this subsection.

18 **SECTION 8. Effective date.**

19 (1) The treatment of section 111.70 (1) (a) and (4) (mc) 4. and (n) of the statutes
20 and SECTION 7 (1) of this act take effect on the first day of the 13th month beginning
21 after publication.

22 (END)

INS
4-18


INS
4-22

(by SECTION #)

A.R.
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2009 ASSEMBLY BILL 95

February 27, 2009 – Introduced by Representatives SINICKI, MASON, TOLES, POPE-ROBERTS, SOLETSKI, HIXSON, POCAN, BERNARD SCHABER, ZIGMUNT, BERCEAU, SMITH, VRUWINK, MILROY, BENEDICT, YOUNG, TURNER and ZEPNICK, cosponsored by Senators ERPENBACH, LEHMAN, TAYLOR, WIRCH, HANSEN, VINEHOUT, COGGS, RISSE and MILLER. Referred to Committee on Labor.

- 1 AN ACT *to amend* 111.70 (1) (a); and *to create* 111.70 (4) (n) of the statutes;
2 relating to: preparation time as a mandatory subject of collective bargaining;
- 

Analysis by the Legislative Reference Bureau

Under current law, there are three categories of subjects of collective bargaining under the Municipal Employment Relations Act (MERA). A mandatory subject of bargaining is one primarily related to wages, hours, and conditions of employment; the employer is required to bargain over this subject. A permissive subject of bargaining is one primarily related to the management and direction of the municipal employer; an employer may, but need not, bargain over this subject. A prohibited subject of bargaining is one that would violate a law; there may be no bargaining over such a subject.

This bill creates a new mandatory subject of collective bargaining under MERA in school districts. Under the bill, in a school district, the employer is required to bargain collectively with respect to time spent during the school day, separate from pupil contact time, to prepare lessons, labs, or educational materials, to confer or collaborate with other staff, or to complete administrative duties.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 95

LRB-1546/1

CMH:bjk:rs

SECTION 1

SECTION 1. 111.70 (1) (a) of the statutes is amended to read:

111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours, and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 61.66, and for a school district with respect to any matter under sub. (4) ~~(m)~~, except as provided in sub. (4) (m) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety, and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.

MS 3-4

AR PINK

As affected by Wisconsin Act 100 (this act)

plan
(m) and (n)

(m)

ASSEMBLY BILL 95

SECTION 2. 111.70 (4) (a) of the statutes is created to read:

111.70 (4) (a) *Mandatory subjects of bargaining.* In a school district, in addition to any subject of bargaining on which the municipal employer is required to bargain under sub. (1) (a), the municipal employer is required to bargain collectively with respect to time spent during the school day, separate from pupil contact time, to prepare lessons, labs, or educational materials, to confer or collaborate with other staff, or to complete administrative duties.

SECTION 3. Initial applicability.

(1) This act first applies to collective bargaining agreements that cover any period that begins after June 30, 2011, the effective date of this subsection

(END)

The treatment of section 111.70 (1) (a) (by

SECTION

of the statutes

A.R. PINK

A.R. GREEN

(#) The treatment of section 111.70 (1) (a) (by SECTION) and (4) (mn) of the statutes and (#) of this act takes effect on June 30, 2011.

INS 4-22

EFFECTIVE DATE

A.R. B on p.4, line 14